

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES ARTHUR HAROLSON,

Plaintiff,

No. CIV S-04-2068 DFL KJM P

vs.

CLAIRE TESKE, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

By order filed March 28, 2006, plaintiff was directed to inform the court whether he wished to proceed on the complaint dated September 30, 2004 or the amended complaint dated July 6, 2005 or to file a motion for leave to file a second amended complaint combining the claims. Plaintiff was cautioned that failure to respond to the court's order would result in a recommendation that the action be dismissed. The thirty day period has now expired, and plaintiff has not notified the court as to how he wishes to proceed or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty

1 days after being served with these findings and recommendations, plaintiff may file written
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's
3 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
4 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
5 F.2d 1153 (9th Cir. 1991).

6 DATED: June 5, 2006.

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13 UNITED STATES MAGISTRATE JUDGE
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